

Remarks

Claims 1-34 were presented for prosecution. Claims 1-21, 23-28, and 30-34 were rejected under 35 USC 102(b) as allegedly being anticipated by Madoff et al., US 2002/0019795 (“Madoff”). Claims 22 and 29 were rejected under 35 USC 103(a) as allegedly being obvious over Madoff in view of Sheynblat et al. (US 6,839,021). Applicants respectfully traverse these rejections for the following reasons.

With regard to independent claim 1 (and similarly independent claims 11, 15, 25 and 34), Applicants submit the Madoff fails to teach each and every claim feature as required under 35 USC 102(b). Applicants initially note that Madoff teaches a system for setting an opening price for a particular product being traded (see, e.g., Title, claims, etc.). Nowhere does Madoff teach qualifying orders using a time analysis system. Madoff is only concerned with collecting order information prior to the opening of a market in order to set an opening price. An example of this process is described with reference to Figure 6, paragraphs 0050-0057 of Madoff. “Referring to FIG. 6, a typical example of a chronology of the opening price process 200 is shown. In this example, the auction market 20 is scheduled to open at 9:30 A.M. and accepts orders starting at 8:00 A.M.” See Paragraph 0050. Given the fact that the purpose of Madoff has nothing to do with qualifying orders for auction, Applicants submits that Madoff, as argued below, clearly fails to teach numerous features of Applicants claimed invention.

In claim 1, Applicants recite, *inter alia*, “each of the orders includes a timestamp from one of a plurality of agents in the network.” The office action alleges that this feature is taught on page 6, paragraphs 0055-0057. The only reference to a timestamp in Madoff involves assigning a timestamp to a “pre-defined relative indication.” (See

paragraph 0057). A pre-defined relative indication is a “willingness … to trade that resides in the system and remains dormant” until activated. (See, paragraph 0027). Accordingly, Madoff does not teach including a timestamp with each order, but rather teaches assigning a timestamp to a pre-defined relative indication, in order to rank pre-defined relative indications (See paragraph 0055).

Moreover, Madoff teaches that the time assigned is determined by the market at the time the order is *received* at the automated action system (see paragraph 0057).

Nowhere does Madoff teach a *plurality of agents in the network* that provide timestamps. Instead, Madoff teaches only a single entity for generating the timestamp.

The office action further alleges that Madoff teaches wherein “the system executes a series of call auctions during sequential trading intervals” in paragraphs 0055-0057. As noted above, paragraphs 0055-0057 only described activities that occur prior to the opening of the market. Accordingly, any activities taking place at that time are clearly not trading intervals (since the market has not even opened) and thus there is no mention or teaching of sequential trading intervals in Madoff.

The office action also alleges Madoff teaches a time analysis system that examines each order submitted during a current trading interval to determine if the submitted order qualifies for the call auction at the end of the current trading interval at paragraphs 0055-0057. As noted above, paragraphs 0055-0057 only use time information “for ranking pre-defined indications.” These rankings are maintained in a queue in order to reduce to facilitate “reducing a pre-opening share imbalance.” (See paragraph 0057). Thus, Madoff teaches using time only for ranking purposes to correct a

share imbalance, and thus clearly fails to teach using a time analysis system to qualify orders for a call auction, as recited in claim 1.

Because Madoff clearly fails to teach numerous features of the claimed invention, Applicants submit that claim 1, as well as independent claims 11, 15, 25 and 34, is not anticipated. The remaining dependent claims are believed allowable for the reasons stated above, as well as for their own additional features.

Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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